United Nations A/65/125

General Assembly

Distr.: General
14 July 2010
English
Original: French/Spanish

Sixty-fifth session
Item 99 (o) of the provisional agenda*
General and complete disarmament

Observance of environmental norms in the drafting and implementation of agreements on disarmament and arms control

Report of the Secretary-General

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I. Introduction

1. On 2 December 2009, the General Assembly adopted resolution 64/33, entitled "Observance of environmental norms in the drafting and implementation of agreements on disarmament and arms control". Paragraph 4 of the resolution invited all Member States to communicate to the Secretary-General information on the measures they have adopted to promote the objectives envisaged in the resolution and requested the Secretary-General to submit a report containing that information to the Assembly at its sixty-fifth session.

2. Pursuant to that request, on 26 February 2010, a note verbale was sent to Member States inviting them to provide information on the subject. The replies received are contained in section II below. Additional replies received will be issued as addenda to the present report.

II. Replies received from Governments

Cameroon

[Original: French]
[31 May 2010]

1. Drafting of agreements on disarmament and arms control

With respect to disarmament, no special measures have been adopted by the Government since Cameroon does not have any arms manufacturing industry. Consequently, to date, Cameroon has not drafted or participated in the drafting of any agreements on disarmament or arms control.

2. Implementation of agreements on disarmament and arms control

At the international level, Cameroon is a party to the multilateral treaties whose purpose is to prevent the proliferation of nuclear, chemical and biological weapons, their delivery systems and related items. The most recent accession by Cameroon to such an international instrument was on 6 May 2010, when the President of the Republic of Cameroon signed Decree No. 2010/147, ratifying the second Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, of 10 April 1972.

In addition, as regards environmental protection, the President of the Republic of Cameroon signed, also on 6 May 2010, Decree No. 2010/148, ratifying the Convention on the Prohibition of Military or Any Hostile Use of Environmental Modification Techniques, of 10 December 1976.

These decrees are acts whereby Cameroon expressly agrees to abide by the relevant provisions of the treaties thus ratified. They follow the enactment of laws by Parliament authorizing the President to ratify the treaties in question. The aforementioned two decrees were signed following the promulgation of Act No. 2009/013 and Act No. 2009/014 of 15 December 2009.

Although some treaties require the promulgation of laws to incorporate them into the domestic legal order — such is the case with the chemical weapons convention — the provisions of any treaty ratified by Cameroon can be invoked before the national courts in accordance with article 45 of the Constitution of Cameroon, which provides essentially that any ratified treaty takes precedence over domestic law.

In other words, all the provisions of international legal instruments that have been duly ratified by Cameroon, and a fortiori the provisions of agreements on disarmament and arms control which make mention of the observance of environmental norms, are applicable in Cameroon.

At the national level, only the national defence services of Cameroon are authorized to possess arms and munitions classified as "war materiel" in connection with their assigned mission to protect the country's territorial integrity. Although such arms and munitions are subject to special regulations, it should be pointed out that, under article 17 of the Environmental Management Framework Act, any proposed project relating to works, infrastructure or plant that may cause damage to the environment requires an environmental impact study. However, when such a project is to be undertaken for the national defence services or for the purposes of national security, the minister responsible for defence or, as the case may be, the minister responsible for national security arranges for the impact study to be made public in a manner consistent with defence or national security secrecy.

On the other hand, when arms, munitions or explosives intended for neighbouring countries that are landlocked must transit through the territory of Cameroon, measures are taken to have the competent services escort the shipments from the port of discharge to the frontier with the country concerned. The environmental services located along the route which have certified environmental inspectors are responsible for ensuring strict observance of the environmental norms in force in Cameroon, provided that restrictions are not necessary for reasons of "defence secrecy". In addition, the Port Authority of Douala has four checkpoints where joint teams of government officials are in operation on a daily basis. National defence personnel and officials from the Ministry of Environment participate in these inspection teams.

Lastly, a study is about to be completed within the Ministry of Environment on providing the Ministry with, as a minimum, a reference laboratory to facilitate management of all kinds of pollution, in general, and observance of international commitments with respect to protection of the environment, in particular.

Cuba

[Original: Spanish]
[27 May 2010]

The observance of environmental norms in the drafting and implementation of agreements on disarmament and arms control is of special relevance and of increasing importance, a fact recognized by the international community when the General Assembly adopted resolution 64/33 without a vote.

Despite the efforts of the General Assembly and international disarmament bodies, certain Powers continue to implement policies aimed at fomenting wars of aggression in various parts of the world, to make use of aggressive strategies that include preventive strikes, to continue to use indiscriminately all types of weapons, including potentially nuclear weapons, and to refuse to adopt commitments at the multilateral level with regard to nuclear disarmament. At the same time, they are perfecting conventional weapons at an accelerated rhythm and are maintaining enormous arsenals of nuclear weapons.

In 1978 the United Nations celebrated the first session of the General Assembly devoted to disarmament and that session's Final Document contained a Declaration and a Programme of Action aimed at saving humanity and the environment. The first paragraph of the Declaration reads: "Mankind today is confronted with an unprecedented threat of self-extinction arising from the massive and competitive accumulation of the most destructive weapons ever produced. Existing arsenals of nuclear weapons alone are more than sufficient to destroy all life on earth." (resolution S10/2, para. 11) This statement maintains its full relevance.

The existence of weapons of mass destruction and their continued improvement is one of the most serious threats to international peace and security, to the fragile environmental balance on our planet and to a sustainable development for all without distinction. For that reason, Cuba maintains that the only really effective solution that can prevent the harmful consequences of the use of weapons of mass destruction remains their total elimination. Cuba attaches great importance to the universalization of international treaties that ban such weapons.

The Republic of Cuba has acquired vast experience in adopting and implementing laws and policies that enable it to conform with environmental norms in all aspects of public life, including the norms found in the various international disarmament and arms control instruments to which Cuba is a State party: the Chemical Weapons Convention, the Biological Weapons Convention, the Convention on Certain Conventional Weapons and the Treaty on the Non-Proliferation of Nuclear Weapons.

Cuba has a solid legal foundation for the protection of the environment:

- Article 27 of the Constitution of the Republic of Cuba contains the concept of sustainable development;

- Law No. 81/1997 on the environment established the principles underlying Cuban environmental policy, stating inter alia: "Managing the environment is a comprehensive and transsectoral endeavour; it involves the coordinated participation of State bodies, other entities and institutions, society and the citizens as a whole, each in conformity with its respective mandates and abilities";

- Decree-Law No. 207 entitled "On the use of nuclear energy" establishes the general rules for such activities;

- Decree No. 208 entitled "On the national system of accounting and control of nuclear material" establishes the regulations for implementing that system in order to promote efficient management of such materials and detect any unauthorized use, loss or movement of nuclear material;

- The legal regime governing biosecurity and the implementation of the Biological Weapons Convention is reflected in Decree-Law No. 199/90 entitled "On biological security", in resolution No. 2/2004 of the Ministry of Science, Technology and the Environment (CITMA) entitled "Regulation on accounting for and control of biological materials, and equipment and technology associated with them" and the more recently prepared "List of biological agents that affect people, animals and plants" and the "Regulation on granting authorizations in the field of biological security", the last two of which are contained in the Ministry's resolutions Nos. 38/2006 and 18/2007;

- Decree-Law No. 202/1999, which regulates implementation of the Chemical Weapons Convention at the national level;

- Agreement 5517 of the Executive Committee of the Council of Ministers of 2005 entitled "On contraventions resulting from violations of the rules of the Chemical Weapons Convention", which completed the legislative measures needed to implement the Chemical Weapons Convention.

The Chemical Weapons Convention continues to be the only international agreement that provides for the verifiable destruction of an entire category of weapons of mass destruction and the facilities for producing them, as well as measures to protect people and the environment.[1] Cuba attaches great importance to the "principles and methods for destruction of chemical weapons",[2] which are supposed to be taken into account by States possessing such weapons when they destroy them.

With regard to nuclear disarmament, Cuba urges the Conference on Disarmament to launch negotiations on an agreement that would totally eliminate such weapons within a fixed period of time and under strict international control. An international agreement on nuclear disarmament should, necessarily, include measures to protect the environment.

Cuba is of the view that the announcement of an agreement between the main nuclear Powers to reduce their strategic weapons, albeit still inadequate, is a positive sign that should lead to concrete measures towards the total elimination of nuclear weapons, in an irreversible, verifiable and transparent manner.

However, Cuba shares the deep concern of others over the slow progress towards nuclear disarmament and the lack of progress among States possessing nuclear weapons on the total elimination of their arsenals. Humanity cannot live without anxiety when, more than 40 years since the adoption of the Treaty on the Non-Proliferation of Nuclear Weapons, it is estimated that there are still 23,000 nuclear weapons, more than 12,000 of which are ready for immediate use, which would be enough to annihilate life on earth several times over along with all of civilization.

Strengthening the Biological Weapons Convention over the coming years is crucial for the protection of the environment and the preservation of the biodiversity of our planet. The draft protocol to strengthen the Convention, which was under

[1] As can be verified by looking at art. IV, para. 10; art. V, para. 3; Verification Annex, pt. II, sect. E, para. 43; Verification Annex, pt. VI, sect. C, para. 7.

[2] Verification Annex, pt. IV, "Destruction of Chemical Weapons and Its Verification Pursuant to Article IV", sect. C, paras. 12 to 14.

negotiation in recent years, included, inter alia, proposed measures to protect the environment in the implementation of the Convention. The international community should not abandon that objective.

Furthermore, it is important to stress the relevance and importance of the Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques, ratified by Cuba on 10 April 1978, which remains fully in effect and should receive universal acceptance.

Turning to the war of occupation being waged by the United States of America in Iraq, Cuba wishes to point out that the harm done to the environment, the national heritage and the lives of human beings has been devastating.

Cuba has drawn attention, in innumerable international forums, to the dangers facing life on Earth. The total elimination of all weapons of mass destruction represents the only solution that will be really effective to prevent their use or accidental pollution caused by them.

Spain

[Original: Spanish]
[13 April 2010]

The Spanish public is very sensitive to the possible environmental impact of any industrial activity, a factor that is carefully weighed also in the implementation of agreements on disarmament and arms control. In Spain, the environmental management standard is set by the European Union environmental regulations, which have been incorporated into Spanish law and are therefore binding.

Below is a description of the procedures followed for the destruction of weapons or munitions in compliance with the main agreements on disarmament and arms control to which Spain is a party.

Destruction of anti-personnel mines: Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction (Mine Ban Treaty)

The 1997 Mine Ban Treaty requires the destruction of national stockpiles not later than four and a half years after the deposit of the instrument of ratification.

Spain, by Act No. 33/1998, of 5 October of that year, on the total prohibition of anti-personnel mines and weapons with similar effects (*Official Gazette* No. 239 of 6 October 1998), undertook to destroy its anti-personnel mine arsenal before 7 October 2001. The destruction process, however, was completed 10 months earlier on 3 October 2000, over two years in advance of the time limit established in article 4 of the Convention.

The destruction of the anti-personnel mines was carried out by the Spanish company Fabricaciones Extremeñas (FAEX), which guaranteed maximum security and no environmental impact whatsoever, in conformity with the ISO-14000 standards and Council of the European Union Directive 94/67/EC on the incineration of hazardous waste.

A total of 849,365 mines were destroyed in a record period of 28 months, at a rate of 1,200 per day. The total cost of the operation came to 3,228,000 euros, at a unit destruction cost of only 3.8 euros.

The process began with the dismantling of the mines and the separation of the explosive charge from the casing and the rest of the components. Next, the explosive was incinerated in a 450-degree furnace. The resulting gases then passed through a treatment line in which the heavy metals were separated out for later collection by waste management companies. The end gases underwent catalytic oxidation whereby carbon monoxide was transformed into carbon dioxide, thus rendering them environmentally safe. As evidence of the destruction of these mines, the membrane bearing the identification number and date of destruction was retained.

Destruction of conventional weapons: Treaty on Conventional Armed Forces in Europe

The Treaty, which entered into force in 1992, set limitations on holdings of conventional weapons in five categories and required stockpile reductions. In the case of Spain, that meant eliminating 371 combat vehicles and 87 pieces of artillery, a process it completed on 16 November 1995.

Since that date, further reductions have been made so as to offset new materiel that was put into service and so as not to exceed the limits stipulated in the five categories of weapons. Moreover, Spain has begun reducing its stockpiles beyond the obligations imposed by the Treaty.

Article VIII of the Treaty sets out the options for reducing each category of armaments subject to reductions; it allows their conversion for non-military purposes, placement on static display, use for ground instructional purposes or use as ground target, but the most common method is destruction.

The destruction process is regulated in the Protocol on Procedures Governing the Reduction of Conventional Armaments and Equipment Limited by the Treaty on Conventional Armed Forces in Europe, which establishes the operations a weapon must undergo to be considered unserviceable. However, it does not impose any environmental regulation; on the contrary, it provides that "each State Party shall have the right to choose any technological means it deems appropriate".

In Spain's case, the reduction was contracted out to private enterprises which, from the environmental standpoint, are subject to the general laws of the State and the specific laws of the autonomous communities where the reduction takes place.

The procedures are as follows:

- As a preliminary step, usable components not subject to compulsory reduction under the Treaty are removed from the weapon along with any remaining munitions. This step is carried out by the military units themselves.
- Next, responsibility is handed over to the reduction enterprise, which must first remove any possible contaminants remaining, that is, combustible liquids or gases, lubricants or coolants, electric batteries and lighting fixtures, and also closed-cycle soot residues, which are washed out, with the wastewater decanted. All such contaminants are channelled into the national system for the

recovery of hazardous substances, whose regulations meet the general criteria established by the European Union.

- Lastly, any of the following procedures are used to render the metallic parts unusable: severing, deformation or smashing. Spain has rejected the explosive demolition procedure precisely because of its environmental cost. The metal remnants are used as scrap by the private companies, which keep them as partial payment for their services and send them to blast furnaces to be melted down.

Destruction of small arms and light weapons: Document of the Organization for Security and Cooperation in Europe (OSCE) on Small Arms and Light Weapons

Section IV (C) 2 of the OSCE document on Small Arms and Light Weapons provides that "destruction will be generally used to dispose of illicitly trafficked weapons seized by national authorities, once legal due process is complete".

The same criterion applies by extension to arms seized by Spanish troops taking part in peacekeeping operations. Whenever the number of arms seized is limited — which happens more often as a crisis abates — and the storage of the arms is precarious because the necessary security cannot always be guaranteed, they are rapidly destroyed as stipulated in Spain's Arms Regulations. In the case of pistols or rifles, holes are drilled in the barrel and essential components of the receiver. In the case of grenade launchers and flame-throwers, crushing is used if access to a plant equipped with a hydraulic press is possible; otherwise, they are cut up with a blowtorch. A list of the destroyed arms is compiled under the supervision of the chief of the unit and a related report is submitted to the officials of the international organization heading the mission. In addition, seized arms have on occasion been destroyed in public ceremonies in the presence of witnesses and the local media.

The OSCE Document on Small Arms and Light Weapons further provides in section IV (C) 1 that "any small arms identified as surplus to a national requirement should, by preference, be destroyed". The number of such weapons is usually great, and they are suitably stored. Subsequently, armament reduction programmes are established which, once funded, are taken over by manufacturing plants managed by the logistical services of the Ministry of Defence or contracted out to private companies listed by the Ministry. The technique ordinarily used is crushing and/or cutting with mechanical or hydraulic shears, these being considered the least contaminating methods. Alternatively, unusually resistant weapons are cut with an oxyacetylene torch. In all cases, it is ensured that the weapon and all essential and auxiliary components are unserviceable. Until it is officially certified that a weapon has been destroyed, the parts bearing the identification number are kept. The weapon is stricken from the inventory when an expressly designated board of officers has drawn up a certificate of destruction. Once the weapon has been destroyed, the metallic parts are separated from the rest, consisting of wood, plastics, Bakelite, glass, etc. When the various components have been separated, the metal scrap is sent to foundries while the other residues are channelled into the national waste treatment system.

Destruction of Cluster Munitions: Convention on Cluster Munitions

The Convention, signed in Oslo on 3 December 2008, requires the destruction of national stocks of cluster munitions within eight years of entry into force. Spain

is a party to the Convention, having deposited the instrument of ratification on 17 June 2009.

Accordingly, Spain has already destroyed all such munitions in the possession of its armed forces, except for those retained for development and training pursuant to article 3, paragraph 6, of the Convention.

The destruction of all types of cluster munitions allocated to the Spanish armed forces was carried out by the Spanish company Fabricaciones Extremeñas (FAEX), which guaranteed maximum security and no environmental impact whatsoever, in conformity with the ISO-14001:2004 standard and with Council Directive 94/67/EC on the incineration of hazardous wastes.

Between December 2008 and March 2009, the company destroyed a total of 1,950 ESPIN-21 mortar grenades, 1,825 MAT-120 mortar grenades, 537 CBU-100 aerial bombs, 38 CBU-99B aerial bombs and 385 BME-330 B/AP aerial bombs. The total cost of the operation was 4,911,357.45 euros, with the unit cost varying, according to the type of munition, from 500 euros for the simplest to 6,000 euros in the case of the BME-330 B/AP bombs.

The industrial process that was followed began with the dismantling of the munitions and the separation of the various components. The national waste treatment system was used to separate out and recycle the inert components (ferrous and non-ferrous metals, plastics and textiles). The active components were incinerated in an adiabatic furnace, where the resulting gases passed through a treatment line in which the heavy metals were separated out for later collection by waste management companies. The end gases underwent catalytic oxidation whereby carbon monoxide was transformed into carbon dioxide, an environmentally innocuous gas. As evidence of the destruction, a characteristic component of the cluster bomb such as the parachute or the stabilizing fin, depending on the type, was retained.